

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL KLEEBERG, LISA STEIN
and AUDREY HAYS,

Plaintiffs,

v.

**NOTICE OF
CROSS-MOTION**

Civil Action No.
1:16-cv-0951

LESTER EBER, ALEXBAY, LLC
f/k/a LESTER EBER, LLC,
CANANDAIGUA NATIONAL CORPORATION d/b/a
CANANDAIGUA NATIONAL BANK AND TRUST,
ESTATE OF ELLIOT W. GUMAER, JR.,
EBER BROS. & CO, INC.,
EBER BROS. WINE AND LIQUOR CORP.,
EBER BROS. WINE & LIQUOR METRO, INC.,
EBER CONNECTICUT, LLC, and WENDY EBER,

Defendants.

PLEASE TAKE NOTICE that, upon the accompanying Affidavit of Wendy Eber, Affidavit of Lester Eber and Memorandum of Law, Defendants Lester Eber, Alexbay, LLC f/k/a Lester Eber, LLC, Eber Bros. & Co., Inc., Eber Bros. Wine and Liquor Corp., Eber Bros. Wine & Liquor Metro, Inc., Eber Connecticut, LLC and Wendy Eber (collectively "Eber Defendants"), by and through their attorneys, will move this Court for an Order pursuant to Federal Rule of Evidence 502 to claw back certain attorney-client privilege documents improperly disclosed by co-defendant Elliott W. Gumaer, Jr.

DATED: August 17, 2018

Respectfully submitted,

/s/ Paul F. Keneally, Esq.

Paul F. Keneally, Esq.

Colin D. Ramsey, Esq.

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